

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISRICT OF GEORGIA
ATLANTA DIVISION

John Doe,)
)
Plaintiff,)
)
V.) 1:15-CV-4079-SCJ
)
The Board of Regents for the)
University System of Georgia,)
G.P. "Bud" Peterson,)
John Stein, and Peter)
Paquette, in their individual and)
official capacities,)
)
Defendants.)

AFFIDAVIT OF KIMBERLY BALLARD-WASHINGTON

Personally appeared before me, the undersigned officer authorized to administer oaths in and for the State of Georgia who, having been duly sworn, deposes and states on his oath the following:

1.

My name is Kimberly Ballard-Washington. I am *sui juris* and over 18 years of age. This Affidavit is made upon my personal knowledge and I am competent to testify to the matters set forth herein.

2.

I give this Affidavit as evidence in the above-styled action and for any lawful purpose.

3.

I am the Assistant Vice Chancellor for Legal Affairs and Title IX Coordinator for the Board of Regents of the University System of Georgia. I have been with the Board of Regents since 1996.

4.

Part of my responsibilities include the administrative oversight of the discretionary review process for appeals brought by students subject to University discipline.

5.

In the case at bar the student filed his appeal from the finding of the Georgia Institute of Technology (GA Tech) on [REDACTED]. This appeal was submitted to Nels Peterson the Vice Chancellor for Legal Affairs. When an appeal is received in the Office of Legal Affairs, the Board of Regents' Projects and Communications Manager for the Office of Legal Affairs intakes the file and sends letters to advise the appellant and the campus involved as to the process. The appellant and the campus are instructed to provide relevant document for review by a date certain.

6.

Once the documentation is received it is provided to the system's discretionary review committee.

7.

The committee is comprised of the Vice Chancellors for Legal Affairs, Human Resources, Academic Affairs, and Student Affairs (if needed, based upon whether it's a student matter), or their designees.

8.

In this case the complaint was received in the office of Legal Affairs on [REDACTED]

[REDACTED] Letters went out via email on [REDACTED].

9.

After receiving the submissions of the appellant and Georgia Tech, the committee met on [REDACTED] to review the matter. The appellant was notified that the application had been continued for further consideration by letter to his counsel. (Attached as Exhibit A). After this initial review, the committee had further questions about the case. Specifically the committee wanted to know the basis for the investigator's credibility determination.

10.

I called the GA Tech legal department so that they could conduct an inquiry as to the reasons behind the investigator's thought processes. It was reported back to me that the investigator based his credibility decisions upon the admitted lack of candor by the accused and additional discrepancies in the accused student's version of events. I reported these reasons to the committee at their next scheduled meeting on [REDACTED]

11.

The committee met, reviewed the evidence and the process, deliberated and made the decision to uphold the President's decision.

12.

The student was notified of the decision of the committee by letter to his counsel on [REDACTED] (Attached as Exhibit B).

Further Affiant Sayeth Not.

This 4th day of December, 2015.


Kimberly Ballard-Washington

Subscribed and sworn to before me

This 4th day of December


NOTARY PUBLIC

My commission expires: Dec. 15, 2018

